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July 8, 2010

The Honorable Sandra J. Townes  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Thomas et al v Dep't of Education et al 09-5167(SLT)(RLM)

Dear Judge Townes:

I just read opposing counsel, Maxwell Leighton's two e-mails to me and ECF bounced letter to Your Honor. For medical reasons, I was advised to arrange for at least one week of being incommunicado from clients, courts, adversaries and litigation matters, in general. I scheduled that week to be July 1-8, 2010.

On June 19, 2010, I was diagnosed with a Gastric Ulcer after endoscopy was prescribed as part of the work-up for anemia of unknown etiology that had already been determined not to be due to a vitamin or mineral deficiency. My Gastroenterologist, Kenneth Miller, MD. is sufficiently concerned about me that I just today coincidentally received a letter from him as follow up. (See attached).

Yes, of course, Defendants have my consent to a three week extension to prepare their reply if the mails were delayed preventing opposing papers from reaching defense counsel in a timely manner. Between the holiday, relief schedules to cover for July vacations, and the general staffing level seemingly reduced, such delays are unfortunately not a rare occurrence.

As soon as I read Mr. Leighton's e-mails to me and the letter to Your Honor. I immediately e-mailed to him, my memorandum and declaration served to him on June 28, 2010. I also sent to him by FEDEX - FIRST (to arrive at 8AM on July 9, 2010) one hard copy of same, including eight exhibits. Should the mails still be delayed, I shall also provide an additional Courtesy copy for Your Honor.

I did want to clarify my lack of response to Mr. Leighton, and to assure the Court that I took all appropriate compensatory steps as soon as I became aware of the delay.

Respectfully submitted,

